# CONFIDENTIALITY POLICY

At Amberley, our work with children and families brings us into contact with confidential, personal and sensitive information. To ensure that all those using and working in the nursery can do so with confidence, we will respect confidentiality in the following ways:

**Person responsible for data protection: Jess Hammond**

* We comply with the General Data Protection Regulations (2018) and the Data Protection Act (2018).
* **Safety of children is paramount and we will always share information when we are doing so to ensure the safety of a child.**
* We are registered with the Information Commissioners Office.
* We will ensure that we have one of the following lawful basis (article 6 of GDPR) for processing data:
* Consent
* Contract
* Legal Obligation
* Vital Interests
* Public Task
* Legitimate Interests
* Additionally, where data may be considered sensitive (e.g. race, ethnicity, religion, trade union membership, biometrics) we will ensure that one of the Special Category Data Conditions apply (Article 9 of the GDPR):
* Explicit consent
* Employment and social protection
* Vital interests
* Provision of medical treatment
* Public health
* Legal and court claims
* Some information is required by us to operate as a nursery, such as children’s dates of birth and staff addresses. Individuals can request that their personal information be deleted (right to object), we will consider all requests and respond to them within 20 working days.
* Some information is not compulsory, those using our services will be asked for their consent at registration, or during the induction process for staff. Individuals can ask for this information to be edited/deleted at any time.
* To request your information is edited/deleted, or object to information held about you, please write to, or email us:

*Amberley Nursery*

*9 Buckhurst Road*

*Bexhill*

*East Sussex*

*TN40 1QF*

[*jess@amberleynursery.co.uk*](mailto:jess@amberleynursery.co.uk)

* As we have young children attending our setting, we ask their parents/carers to give consent for information processing. Therefore, when children register with us their parent/carer will be asked to provide proof that they have parental responsibility for their child. This can often be done in the form of a birth certificate.
* When students attend Amberley for a work placement who are under 16 years, we will not ask them to complete the consent section of their induction and we will not take photographs of them. Students on induction will be new to us, we are therefore unable to be certain of their capacity to give their own consent when under the age of 16.
* Registration forms will be reissued to parents/carers annually to remind them they have the option to update their child’s personal details and consent choices if they wish to do so.
* An individual who believes that we hold information about them, may request that we share this with them. We will aim to do this within one month and without charge, unless the request is substantial or repetitive. Where we feel that someone may be put at risk by the sharing of this information, we will seek the advice of specialist agencies such as the police or children’s social services. Individuals will only be provided with information relating to themselves and any other names or identifying details will be deleted.
* Details of the information we hold, retention periods, safe storage and the legal basis for holding/using this information can be found within our data audit. This audit will be reviewed annually.
* Parents or carers will have ready access to the files and records of their own children, but will not have access to information about any other child.
* Staff will not discuss individual children outside of the nursery setting unless they are engaged in activities which form part of their work, such as attending meetings or training.
* Staff will not discuss matters relating to colleagues, except with their line manager or when engaged in an appropriate task, such as staff meetings, peer on peer observations, or appraisals. Gossiping is unpleasant and unnecessary. Amberley will always seek to discipline staff members who share information about others without good reason.
* Practitioners will share information about children and their families within the setting only where this may be needed to inform planning, routines, or to keep a child safe.
* Information given by parents/carers to Amberley will only be passed on externally without permission for the purposes of safeguarding, or in an emergency.
* Issues to do with the employment of staff, whether paid or unpaid, will remain confidential to the people directly involved with making personnel decisions.
* Any anxieties/evidence relating to a child’s personal safety will be kept in a confidential file and will only be shared with those working directly with the child. Keys to the locked cabinet are held by Designated Safeguarding Lead and their deputy.
* Like all policies, staff, students and volunteers will be advised of our confidentiality policy and required to respect it.
* All nursery electronic devices, such as our mobile phone or tablets are password protected.
* CCTV footage will generally only be used by management for in-house operations with staff, such as training or supervisions. On occasion, other agencies may need to view the footage, such as for purposes of child protection. In this instance ID will be sought and only recognised agencies will be allowed access to the material. Those without a DBS will never be shown the footage by us, including parents and non-professionals.
* Any files taken from the nursery premises will be signed in/out, forming a clear trail of where the information is being taken/used.
* Any digital information which leaves the nursery premises, for example on a memory stick will have a password.
* Sensitive information will be stored in the office which is locked overnight.
* Office computers are password protected and have different accounts for managers and practitioners.
* All adults within the nursery setting must agree to uphold our policy on social media.
* Staff meetings will focus on data protection and staff responsibilities at least once per year. This often forms part of the annual safeguarding updates for staff.
* The induction process for new staff members will include a focus on data protection and confidentiality.
* Where children attend more than one setting, or move between settings, their parents/carer will be asked for permission to share information about the development of their child.

DATA BREACHES

Any breaches of confidentiality which may significantly affect the rights and privacy of the individuals involved will be reported to the Information Commissioners Office online at <https://ico.org.uk/for-organisations/> within 3 working days; affected individuals will be informed where possible.

Minor data breaches, which are unlikely to have an impact upon an individual can be investigated in-house and a record kept. The person responsible for data protection will complete this investigation, or where considered more appropriate, the proprietors.

Policy revised September 2021 Lisa Gray